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PATENT APPLICATION

ATTORNEY DOCKET NO. 10004331-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): kenneth A. Nishimura & Jonathan Simon

Serial No.: 10/087,386

Examiner: Dzung D. Tran

Filing Date: 3/1/2002

Group Art Unit: 2638

Title: An Optical Signal Multiplexer/Demultiplexer Employing Pseudorandom Mode Modulation

COMMISSIONER FOR PATENTS

PO Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 7/27/2005, rejecting the following claims 21-25.

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$320.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$110.00
() two months	\$410.00
() three months	\$930.00
() four months	\$1450.00

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() The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-1078** the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **50-1078** pursuant to 37 CFR 1.25.

(X) A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.
Date of Deposit:

10/3/2005

Typed Name:

Signature: Sherre Anne Treat

Respectfully submitted,

kenneth A. Nishimura & Jonathan

By Michael H. Jester

Michael H. Jester

Attorney/Agent for Applicant(s)

Reg. No. 28,022

Date: 10/3/2005